

**REMARKS/ARGUMENTS**

Claims 1-24 and 28-40 are pending in the application and subject to restriction election requirement. In response thereto, claims 16-18, 20-24 and 28-40 are withdrawn without prejudice.

In the current restriction, the claims are restricted as follows:

**Group I**, claims 1-15 and 19, drawn to method for increasing cell survival by inducing expression of a cell survival gene by introduction of a transcription factor selected from the group consisting of EPAS1, HIF-1 and HIF-3.

**Group II**, claims 16-18, 24, 28 and 29 drawn to methods for increasing metabolic activity of a muscular cell by expression of EPAS1.

**Group III**, claims 20-24, 28 and 29 drawn to method of improving cardiac tissue functions by providing to the tissue a plurality of modified cells expressing EPAS1.

**Group IV**, claims 30-39 drawn to a genetically modified muscle cell expressing EPAS1.

**Group V**, claim 40, drawn to a transgenic animal generated from the cell of Group IV.

Applicants elect the claims of **Group I**, claims 1-15 and 19, without traverse.

The restriction requirement also contained a species election requirement. In response Applicants elect CT-1 as the gene to be induced. Claims 1-4, 7-14 and 19 are readable on the elected species. Applicants also elect cardiac disease for the disease. Claims 1-13 and 19 are readable on the elected species.

Should the Examiner wish to discuss the foregoing election, Applicants would appreciate a telephone call to their undersigned representative.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 19-2253.

Respectfully submitted,  
Sim & McBurney

December 22, 2010



Lola A. Bartoszewicz  
Reg. No. 43,394